

BROMBERG LAW OFFICE, P.C.

Brian L. Bromberg (Admitted in NY, NJ & CA)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

26 Broadway, 27th Floor
New York, NY 10004
Phone: (212) 248-7906
Fax: (212) 248-7908

June 24, 2019

★ JUL 10 2019 ★

Via ECF

BROOKLYN OFFICE

Honorable Carol Bagley Amon, U.S.D.J.
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

*Application
granted.*
S. Amon

Re: *Elachkar v. City of New York, et al.*, Case No. 19-CV-2172 (CBA)(ST)

s/Carol Bagley Amon

Dear Judge Amon:

7/3/19

My office represents the plaintiff, Houssam Elachkar, in the above-referenced case against the City of New York, the New York City Transit Authority, the Metropolitan Transportation Authority, and Police Officer Jean Lormestil for civil rights violations and other, related claims. This lawsuit arises in connection with the pushing of Plaintiff from an elevated subway track in Brooklyn by the police, during a false arrest for alleged farebeating. The pushing was done by one or both arresting officers, Mariarit Acquista and Jean Lormestil. Mr. Lormestil is also the officer who handcuffed Mr. Elachkar behind his back while he was lying on the street below writhing in pain after having broken both his legs.

Because Plaintiff only learned Mr. Lormestil's name from Corporation Counsel on Wednesday, June 19, 2019, I am writing to request permission to amend the complaint to add his name to the Complaint, so that I can have him served. I am attaching a clean copy of the proposed Amended Complaint as Exhibit A and a redlined copy as Exhibit B. Mr. Lormestil was described repeatedly in the Complaint and was also referred to in the Complaint as an "unidentified JOHN DOE." *See, e.g.*, Docket No. 1 at 4.

Since Defendants have not answered the complaint yet, they can show no prejudice. Inasmuch as the issues raised in this letter motion are settled law, Plaintiff requests that the Court forgo the requirement of a formal motion and memorandum in support. *See* Fed. R. Civ. P. 15(B)(2) ("[A] party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.")

Respectfully,

/s/ Brian L. Bromberg

Brian L. Bromberg

cc: All Counsel of Record (Via ECF)

FILED
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

JUL 10 2019
PROCLIN OFFICE

*Information
provided*

*Admission
Card*

1/1/19